UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,409	07/25/2001	Tsuyoshi Tamura	110195	4925

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EXAMINER
NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
2674	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/911,409	TAMURA, TSUYOSHI	
	Examiner	Art Unit	
	Kevin M. Nguyen	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2004*.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *3-8 and 11-16* is/are allowed.

6)☒ Claim(s) *1,2,9,10 and 17-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　1.☒ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on 09/14/2004 is entered. The rejections of claims 1, 2, 9,

10 and 17-25 are maintained. Claims 3-8 and 11-16 are allowed.

Double Patenting

2.   A rejection based on double patenting of the "same invention" type finds its
support in the language of 35 U.S.C. 101 which states that "whoever invents or
discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis
added). Thus, the term "same invention," in this context, means an invention drawn to
identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re
Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164
USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by
canceling or amending the conflicting claims so they are no longer coextensive in
scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection
based upon 35 U.S.C. 101.

3.   Claims 1, 2, 9, 10 and 17-25 are provisionally rejected under the judicially

created doctrine of double patenting over claims 1-32 of copending Application No.

09/911,829. This is a provisional double patenting rejection since the conflicting claims

have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the

referenced copending application and would be covered by any patent granted on that

copending application since the referenced copending application and the instant

application are claiming common subject matter, as follows:

Claim 1 of 09/911,409 recited "first and second bus line that transfer the still-

image data and the moving-image data, respectively, from an external MPU"

corresponding to claim 1 of 09/911,829 recited "a first port through which the still-image

or a given command is input from an external MPU; a second port through which the

moving-image data...from the external MPU."

Claim 1 of 09/911,409 recited "first and second independent bus lines that

transfer the still-image data and the moving-image data, respectively" corresponding to

claim 27 of 09/911,829 recited "a first port through which the still-image data or a given

command is input; a second port, independent from the first port, through which the

moving-image data."

Claim 21 of 09/911,409 recited "a first control circuit that controls writing or

reading with respect to the RAM of the still-image data and the moving-image data that

has been transferred separately over the corresponding first or second bus line, based

on a given command" corresponding to claim 28 of 09/911,829 recited "a first control

circuit which controls writing or reading of the still-image data and the moving-image

data that has been input separately through the first port or the second port, with

respect to the RAM."

Furthermore, there is no apparent reason why applicant would be prevented from

presenting claims corresponding to those of the instant application in the other

copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA

1968). See also MPEP § 804.

4.   Claim 20 is provisionally rejected under 35 U.S.C. 101 as claiming the same

invention as that of claim 27 of copending Application No. 09/911,829. This is a

provisional double patenting rejection since the conflicting claims have not in fact been

patented.

Identical claimed limitations as follows: claim 20 of 09/911,409 and claim 27 of

09/911,829 recited the same limitation "wherein the still-image data can be rewritten

irrespective of the timing at which the moving-image data is rewritten in the RAM."

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

6.   <u>Claims 1, 2, 9, 10 and 17-25 are rejected under 35 U.S.C. 102(e) as being</u>

<u>anticipated by Kida et al (newly cited, US 6,335,728).</u>

As to claim 1, Kida et al teaches a memory-incorporated driver for display device

(fig. 7) comprising

[lines 4-5 of claim 1]

a transmission line is from a SW 32a to an input end of a field memory 34A, fig. 7

(a first bus line) transfers the still-image data (fig. 9) from an external MPU defined by a

data processing circuit 33 (fig. 7) and a control circuit 32 (fig. 7),

a transmission line is from a SW 32b to an input end of a field memory 34B, fig. 7

(a second bus line) transfers the motion-image data (fig. 10) from the external MPU

defined by a data processing circuit 33 (fig. 7) and a control circuit 32 (fig. 7).

[lines 6-7 of claim 1]

the field memories 34A and 34B (RAM, fig. 7) stores both moving-image data and still-image data (figs 9 and 10).

[lines 8-10 of claim 1]

a memory control circuit 37 (a first control circuit, fig. 7) controls writing (WR1, WR2) or reading (RD1, RD2) of the still-image data in the field memory 34A (fig. 7) or the moving-image data in the field memory 34B (fig. 7) based on the given command of operating means 38 (fig. 7).

[recited in lines 11-13 of claim 1]

a column driver 35 (fig. 7) and a row driver 39 (a second control circuit, fig. 7) control the display data of still image or moving image has stored in the field memories 34A and 34B (fig. 7), and drive the display panel 36 (display section, fig. 7) to display.

As to claim 2, Kida et al teaches field memories 34A and 34B (RAM, fig. 7) comprising SW32a (a first port, fig. 7), SW32B (a second port, fig. 7), SW33 (a third port, fig. 7), said transmission line is from a SW 32a to an input end of a field memory 34A, fig. 7 (a first bus line) transfers the still-image data (fig. 9), said transmission line is from a SW 32b to an input end of a field memory 34B, fig. 7 (a second bus line) transfers the motion-image data (fig. 10).

As to claims 9 and 10, Kida et al discloses in Fig. 7 showing the column driver 35 (a plurality of first electrodes, fig. 7) and the row driver 39 (a plurality of second

electrodes, fig. 7) drive the display panel 36 (a panel, fig. 7). The field memories 34A

and 34B (fig. 7) drive the column driver 35 (a plurality of first electrodes, fig. 7). The row

driver 39 drives the plurality of second electrodes of the display panel 36.

As to claim 17, Kida et al teaches the microprocessor unit defining by said data

processing circuit 33 (fig. 7) and said control circuit 32 (fig. 7) which supply the

command from the operating means 38 (fig. 7) the still image data, and the moving

image data to the display unit 36 (fig. 7).

As to claims 18 and 19, Kida et al teaches operating means 38 sets and resets

motion image/still image mixture mode (a first setting mode/a second setting mode)

which enables a motion image and a still image to be simultaneously displayed on the

screen and supplies a motion image/still image mixture mode designation signal to the

control circuit 32 (col. 11, lines 7-11).

7.   As to claim 20, Kida et al teaches a memory-incorporated driver for display

device (fig. 7) comprising

[lines 3-4 of claim 20]

a transmission line is from a SW 32a to an input end of a field memory 34A, fig. 7

(a first bus line) transfers the still-image data (fig. 9) from the external MPU defined by a

data processing circuit 33 (fig. 7) and a control circuit 32 (fig. 7),

a transmission line is from a SW 32b to an input end of a field memory 34B, fig. 7

(a second bus line) transfers the motion-image data (fig. 10) from the external MPU

defined by a data processing circuit 33 (fig. 7) and a control circuit 32 (fig. 7).

[lines 5-6 of claim 27]

the field memories 34A and 34B (RAM, fig. 7) stores both moving-image data

and still-image data (figs 9 and 10).

[lines 7-9 of claim 27]

a memory control circuit 37 (a first control circuit, fig. 7) controls writing (WR1,

WR2) or reading (RD1, RD2) of the still-image data in the field memory 34A (fig. 7) or

the moving-image data in the field memory 34B (fig. 7) based on the given command of

operating means 38 (fig. 7).

[recited in lines 10-12 of claim 27]

a column driver 35 (fig. 7) and a row driver 39 (a second control circuit, fig. 7)

control the display data of still image or moving image has stored in the field memories

34A and 34B (fig. 7), and drive the display panel 36 (display section, fig. 7) to display.

[recited in lines 13-14 of claim 27]

Fig. 8C discloses still image writing mode can be rewritten (see col. 20, lines 17-

20) at time t2 to t4 (fig. 8N) irrespective of the timing at t0 to t2 (fig. 8N) which the

moving-image data is rewritten (see col. 20, lines 17-20) in the first memory 34A and

second memory 34B (the RAM, fig. 7).

8.   As to claim 21, Kida et al teaches a memory-incorporated driver for display

device (fig. 7) comprising

[lines 3-4 of claim 21]

a.   a transmission line is from a SW 32a to an input end of a field memory

34A, fig. 7 (a first bus line) transfers the still-image data (fig. 9) from the external

MPU defined by a data processing circuit 33 (fig. 7) and a control circuit 32 (fig.

7),

b.   a transmission line is from a SW 32b to an input end of a field memory

34B, fig. 7 (a second bus line) transfers the motion-image data (fig. 10) from the

external MPU defined by a data processing circuit 33 (fig. 7) and a control circuit

32 (fig. 7).

[lines 5-6 of claim 28]

the field memories 34A and 34B (RAM, fig. 7) stores both moving-image data

and still-image data (figs 9 and 10).

[lines 7-9 of claim 28]

a memory control circuit 37 (a first control circuit, fig. 7) controls writing (WR1,

WR2) or reading (RD1, RD2) of the still-image data and (emphasis) the moving-image

data in the field memories 34A and 35B (fig. 8C and fig. 8N, the motion image/still

image mixture display mode, see col. 13, lines 44-50) over corresponding first or

second bus line (see paragraphs a and b above), based on a given command of

operating means 38 (fig. 7, col. 11, lines 7-11).

[recited in lines 10-12 of claim 28]

a column driver 35 (fig. 7) and a row driver 39 (a second control circuit, fig. 7)

control the display data of still image or moving image has stored in the field memories

34A and 34B (fig. 7), and drive the display panel 36 (display section, fig. 7) to display.

As to claims 22 and 23, Kida et al discloses in Fig. 7 showing the column driver

35 (a plurality of first electrodes, fig. 7) and the row driver 39 (a plurality of second

electrodes, fig. 7) drive the display panel 36 (a panel, fig. 7). The field memories 34A

and 34B (fig. 7) drive the column driver 35 (a plurality of first electrodes, fig. 7). The row

driver 39 drives the plurality of second electrodes of the display panel 36.

As to claims 24 and 25, Kida et al teaches the microprocessor unit defining by

said data processing circuit 33 (fig. 7) and said control circuit 32 (fig. 7) which supply the

command from the operating means 38 (fig. 7) the still image data, and the moving

image data to the display unit 36 (fig. 7).

Allowable Subject Matter

9.   Claims 3-8, 11-16 are allowed.

10.   The following is a statement of reasons for the indication of allowable subject

matter:

Kida et al does not teach [recited in lines 7-21 of claim 3].

Response to Arguments

11.   Applicant's arguments filed 09/14/2004 have been fully considered but they are

not persuasive. Applicant argues features in the independent claims that are newly

recited. Thus, new grounds of rejection have been used. See above rejections.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Technology Center 2600 Customer Service Office

whose telephone number is (703) 306-0377.

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KN
November 24, 2004

XIAO WU
PRIMARY EXAMINER